IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1601 OF 2005
IN
FIRST APPEAL NO.634 OF 2005

M/s.Transchem Limited & Anr. ...Applicants

Versus

Sadashiv Abaji Nerlikar & Ors. ...Respondents

Shri V.M.Singh i/by Thakordas & Madgaonkar for the Applicants.
Shri D.M.Gupte for the Respondent No.1.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 05, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The parties could not agree to a name of any particular valuer and therefore, in terms of order dated 05th July, 2005, valuer could not be appointed. Therefore, I have taken up the Appeal for admission. Appeal is admitted. The impugned decree is a money decree. The operation and execution of the money decree cannot be stayed unless entire amount is deposited by the Applicants. No case is made out for making a departure from the normal rule. Sufficient time can be granted to the Applicants to deposit the decretal amount.

2. Hence, Application is disposed of by passing

following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire decretal amount with the trial Court within a period of ten weeks from today.

(ii) If the compliance is not made within the stipulated time, the interim stay granted by this order will stand vacated without further reference to the Court.

(iii) There will be no orders as to costs.

(iv) After the amount is deposited, liberty to the first Respondent to make an Application to this Court for withdrawal of the amount.

JUDGE